**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929**

**CRP.No. 777 of 2006()**
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**AGAINST THE ORDER DATED 26/08/2006 IN EP.92/2003 IN ADALATH C.NO.10/2002 of MUNSIFF COURT, DEVIKULAM**
**.....**

**REVN. PETITIONER: JUDGMENT DEBTOR:**
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**THE MANAGER, LOCKHART ESTATE,HARRISONS MALAYALAM LIMITED, KDH VILLAGE, DEVIKULAM P.O, IDUKKI DISTRICT.**

**BY ADV. SRI.A.M.SHAFFIQUE**
**SRI.A.M.SHAFFIQUE**
**SRI.E.K.NANDAKUMAR**
**SRI.A.K.JAYASANKAR NAMBIAR**

**RESPONDENTS: DECREE HOLDER:**
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**AROGYAMARY, W/O.ANTONY, FACTORY DIVISION, LOCKHART ESTATE, KDH VILLAGE, DEVIKULAM TALUK, IDUKKI DISTRICT.**

**BY ADV. SRI.C.KHALID**
**SRI.N.GOPINATHA PANICKER**
**SRI.T.P.SAJID**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER ON I.A. 2871 OF 2006**
**IN**
**C.R.P. NO.777 OF 2006**

**DISMISSED**

**22/10/07** **SD/- M.N. KRISHNAN, JUDGE.**

**[ True Copy ]**

**P.A. TO JUDGE.**

**M.N. KRISHNAN, J.**

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**C.R.P. NO. 777 OF 2006**

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**Dated this the 22nd day of October, 2007.**

**O R D E R**

This revision petition is preferred against the order of the Munsiff, Devikulam in E.P.92/03 in Lok Adalath case No.10/02. The execution petitioner filed an application before the Lok Adalath conducted by the Taluk Legal Services Committee of Devikulam Taluk for redressal of her grievance alleging that she had been tortured and she had been deprived of her entitlement to become a permanent worker and that her juniors are being appointed above her.

2. The Management who is the present revision petitioner before us filed a counter statement denying all the allegations and ultimately an award was passed by the Lok Adalath on 17.3.03 which reads as follows. "The petitioner shall be given the priority for appointment as a worker (permanent) at Company's estate provided petitioner is eligible at that time as per Company norms." It appears

there are various modes of appointment of permanent workers. One is by direct appointment and second by voluntary retirement scheme and third by medical discharge scheme. It is contended by the learned counsel for the revision petitioner that after 1995 there has been no direct recruitment as a permanent worker and the Company will certainly honour the award of the Adalath when direct recruitment is made with respect to permanent workers.

3. The point projected by the respondent in the revision petition is that she will come under the medical discharge scheme and therefore her entitlement has to be considered under that head. Before the executing Court Ext.B2 series are produced to show the schemes. So far as voluntary retirement scheme is concerned the eligibility criteria depends upon the facts that when two permanent workers have retired voluntarily they can suggest name for permanent employment. So far as this case is concerned such a question does not arise.

4. The second is the medical discharge scheme. The medical discharge scheme provides that when permanent worker is disable to do the work and she opts for a medical discharge the persons entitled under Clause 5.2 can be appointed as a permanent worker. The eligibility criteria are (1) he or she must be his or her spouse, (2) they should not be less than 18 years but not above 30 years and he works as a temporary worker on the estate. In the absence of spouse or children it is the brother or sister who is entitled for the same. So far as this case is concerned the petitioner before the Adalath is neither the spouse nor the children nor the brother or sister. She is only a daughter-in-law. Going by the terms of the scheme a daughter-in-law is not an eligible member entitled to get permanent posts in the medical discharge scheme. I am afraid that the Court below has not meticulously scrutinized the scheme before arriving at a decision on that point. Therefore, the suggestion that she may come within the medical discharge scheme cannot be accepted.

5. Now, lastly, it is the general recruitment. The learned counsel for the Company would submit before me that ever since 1995, no such vacancies are filled up by direct recruitment and it is done only by way of introduction of various schemes. It is quite unfortunate that without divulging all the particulars that should have been disclosed at the time of arriving at a compromise the award has been passed by the Adalath. It appears that the petitioner before the Adalath can come only in the general category of direct recruitment. Since nobody has been selected under that category after the passing of the award one cannot blame the Company for not considering her for the post of permanent worker. I am informed that due to so many unfortunate circumstances, now she is not even attending the temporary worker's job. She is a person who is now ordered to wait indefinitely for getting a relief passed by the Adalath. At least she should not be deprived of her temporary work and therefore I direct the Company to permit her to work as a temporary worker as and when she comes and requests for

the same. I also wish that the Company will take the award of the Adalath in the right spirit without having any ill-feeling towards the worker and to accommodate her as expeditiously as possible so that the terms of the award can be implemented. Therefore, the order under challenge is set aside and the CRP is disposed of.

**M.N. KRISHNAN, JUDGE.**

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